IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3086 OF 2004
IN
CRIMINAL APPEAL NO.823 OF 2004

Vishwas Yeshwant Kharade ....Applicant
(Orig. accused No.3)

V/s

The State of Maharashtra ...Respondent.

Mr. Kuldip S. Patil for the applicant.

Mr. D.P. Adsule, APP for the respondent - State.

CORAM: V.M.KANADE,J.
DATE: 14th September, 2004.

PC:.

1. Heard the learned Counsel appearing on behalf of the applicant and the learned APP for the respondent - State.

2. The applicant-accused has been convicted under section 306 read with section 34 of the I.P.C. and is sentenced to suffer R.I. for five years. The applicant is also convicted for the offence punishable under section 498-A of the I.P.C. and is sentenced to suffer R.I. for one year. The accused, however, has been acquitted in respect of the offence punishable under section 304-B read with section 34 of the I.P.C.

3. Prosecution's case is that the applicant and the other family members harassed the deceased who was the wife of the applicant and had demanded dowry from time to time and also treated her with cruelty. The deceased had delivered a female child. Prosecution's case is that the accused persons were demanding money from the deceased. Father of the deceased had given an amount of Rs 10,000/- in the month of August, 2001. He has further deposed that the applicant-accused had demanded Rs 40,000/- on telephone from him. The Complainant was informed that his daughter died as she had hanged herself. Doctor has given an opinion that the death was due to hanging.

4. Considering the evidence of P.W. 2 - the Complainant and the other witnesses, in my view, this is not a fit case where applicant is entitled to be released on bail. Application for bail is, therefore, rejected. Hearing of the appeal, however, is expedited. Record and proceedings be called for immediately. If the appeal is not heard within a reasonable period of time, applicant would be at liberty to file fresh application for bail.

V.M. KANADE, J.